

**City of Taylorsville
Planning Commission Meeting Minutes
December 12, 2017
Work Session – 6:00 p.m.
Regular Session – 7:00 p.m.
2600 West Taylorsville Blvd – Council Chambers**

Attendance:

Planning Commission

Curt Cochran, Chair
Don Quigley
Lynette Wendel
Garl Fink
John Warnas
Anna Barbieri
Richard Morley – Excused

City Staff

Mark McGrath – Director of Community Development
Angela Price – Associate Planner
Amanda Roman – Associate Planner
Stephanie Shelman – Deputy City Attorney
Jean Gallegos – Admin Assistant/Recorder

PUBLIC: Kristie Overson, Tracy Daley, Brandi Olsen, Clifford Burton, Kent Burggraaf, Chris Poulson, Barbara (no last name given)

WELCOME: **Commissioner Cochran** assumed duties as Chair, explained the Consent Agenda process and opened the meeting at 7:00 p.m. He then explained the procedures to be followed this evening.

1. The briefing session to review the agenda was conducted by Mr. McGrath from 6:00 p.m. to 7:00 p.m.

CONSENT AGENDA

2. Review/approval of Minutes for October 10, and November 14, 2017.

MOTION: **Commissioner Quigley** 7:04:54 PM I will move for approval of the Minutes for October 10 and November 14, 2017 as presented.

SECOND: **Commissioner Fink**

VOTE: All Commissioners present voted in favor. Motion passes unanimously.

TEXT AMENDMENTS

3. 16Z17 – Tracy Daley – Recommendation to the City Council for a Zoning Text Amendment to the Taylorsville Land Development Code, Section 13.11.010(C)(2) Updating Accessory Apartment Standards. (Amanda Roman/Associate Planner).

- 3.1 **Ms. Roman** presented this item saying that the applicant, Tracy Daley, built a home in Taylorsville with the intent of renting out the basement as an accessory apartment. After the home was built, the applicant came to the City and applied for a Conditional Use Permit for an Accessory Apartment. The Conditional Use Permit was denied because the accessory apartment surpassed the allowed maximum square footage stated in the Taylorsville Land Development Code, 13.11.010(C)(2), to increase the allowable square footage of an accessory apartment from a maximum of 800 square feet to a maximum of 900 square feet. A text amendment to the Taylorsville Land Development Code must be approved or denied by the City Council. **Ms. Roman** discussed the zoning analysis indicating that in 2012, Taylorsville City Council approved the first accessory apartment ordinance. The ordinance allowed accessory apartments to comprise no more than 50% of the building's total floor area nor be greater than 800 square feet in size. In 2014, the Code was amended to allow no more than 30% of the building's total floor area, reflecting that the use must be clearly subordinate to the single-family residence. The proposed zoning text amendment would increase the allowable maximum size of the accessory apartment but maintains that the home must retain its' single-family dwelling appearance, with the use being subordinate and comprising no more than 30% of the building's total floor area.

3.2 FINDINGS OF FACT:

- 3.2.1 This application was initiated by Taylorsville resident Tracy Daley.
- 3.2.2 The text amendment to the Taylorsville Land Development Code, Section 13.11.010(C)(2).
- 3.2.3 The proposal increases the maximum size of an accessory apartment from 800 square feet to 900 square feet.
- 3.2.4 A text amendment to the Taylorsville Land Development Code must be approved or denied by the City Council.

- 3.3 **STAFF RECOMMENDATION:** Rental housing and accessory apartments have been widely discussed and Staff recognizes both the need for additional housing within the City, and the concerns associated with it. If the Planning Commission deems a 900-square foot accessory apartment acceptable and clearly subordinate to a single-family dwelling then they should consider recommending approval to the City Council. If the Planning Commission believes increasing the allowable square footage of accessory apartments does not maintain the spirit of the overall ordinance, then they should consider recommending denial to the City Council. Staff recommends that the Planning Commission considers all

the information in the staff report along with any testimony offered during the public hearing and render a decision they deem appropriate.

- 3.4 **APPLICANT ADDRESS:** Tracey Daley 7:12:14 PM advised she had several reasons in favor of this proposal, including the fact that there is a shortage of affordable housing in Taylorsville, especially apartments. She felt this would be a nice addition for students or young families who do not want to live in the apartments atmosphere and want to live in a family neighborhood. The existing ordinance prevents investors from coming in and making changes to the nature of the R-1 zone. The change she is proposing does not affect protections currently in place. She is proposing to change the allowable square footage from 800 sq. feet to 900 sq. feet because they have looked at surveys of apartment facilities in the whole Salt Lake Valley wherein only ten out of 150 were smaller than 800 sq. feet which reflects 8% of the market. That square footage restriction would seemingly limit the number of high quality people wishing to relocate to Taylorsville to share a home with established residents. 7:14:26 PM Her goal is to reach out to the lower 20% who are students or have small families and who are of a better quality that will take care of the property and surrounding area. She feels this is a solution to renters who are looking to get out of apartment complexes and want a reasonable living space. This ordinance would simply provide a smaller separate space for people but by increasing the square footage it would allow for better circumstances for current residents and for future renters. Commissioner Barbieri asked how long ago she had built her home. Ms. Daley said that it was finished in August of this year. Commissioner Barbieri wondered if her intent was always to have a renter. Ms. Daley said that was correct and that the plans had been drawn with that design and she had been working with City Planning Staff since 2016 who indicated that she would have to go through the process in order to do that. At that time Ms. Daley was working with an architect, who she thought had taken care of everything. That she had come in to the City Offices in August to make sure they were doing everything right and found out there was a problem with the square footage of a rental unit and was informed she could not rent it out. Commissioner Barbieri wanted clarification about the involvement of the architect in the process and was informed that Ms. Daley assumed the architect would take care of this, but apparently did not. Commissioner Barbieri asked her if she was aware that the issue this evening was just for a text amendment and not directed towards her piece of property, to which Ms. Daley replied in the affirmative. Commissioner Fink then wanted to know if Ms. Daley was aware of the 800-square foot requirement and indicated that she was not.

- 3.5 Commissioner Cochran then opened the public hearing and asked if there were anyone wishing to speak in favor or opposition to please come forward.

3.6 **SPEAKING:**

- 3.6.1 Clifford Burton (Owns a home next door). Mr. Burton stated that when the Daley's applied to build their home there were restrictive covenants in place in that area which stated the area was for single family dwellings only. 7:19:06 PM That he had personally seen their plans, which included a mother-in-law apartment. He wondered how it was possible then to build such a unit when there is a restrictive covenant which says there will be no apartments in a home. Most of his neighbors do not want apartments there but had other commitments tonight and could not attend this meeting. To allow this one would start a domino effect wherein all homes will want to do that. He did not want apartments allowed in his neighborhood. That he had spent a considerable amount of money on his home and did not want it to lose value because of this proposal. Commissioner Wendel advised that if there are recorded CCNRs in place the Commission needs more information before a decision can be made. She also wanted to know if there were an operating HOA (Home Owner's Association) there. Mr. Burton said that when he moved into the area there was but this particular property was the last lot to be sold and he did not think the seller of the property cared anymore. Therefore, the plans never got forwarded to the proper person in the neighborhood for review but nonetheless, the area is only for single family dwellings. Commissioner Wendel was concerned about the status of the CCNRs, regardless of what the City Code says, the proposal may not be allowed based on other legal exceptions. Mr. Burton said he would be able to obtain a copy for the information of the Commission but knew the stipulation was in place for only single-family dwellings. He was not in favor of this proposal and felt it would invite more problems, especially parking, for the neighborhood. That the CCNR's state it is for single family dwellings only.

- 3.6.2 Kent Burggraaf 7:26:39 PM Mr. Burggraaf said that the issue of whether CCNR's are enforced or not is a private matter between land owners and has nothing to do with the Commission. Commissioner Wendel said she asked the question just because she wanted to know the information. Mr. Burggraaf said he would like to speak in favor of the change because he felt it promotes economic development, even if only in a small amount, because it allows a home owner to provide a more enticing product in a rental that is slightly larger, which potentially allows them to afford a nicer home by supplementing the cost of that home by renting out a portion and getting a higher value for that rental. The change from 800 to 900 square feet will not impact the traffic to the home and would not change the occupancy because it is still limited to two bedrooms. There might even be discussion included on whether to allow square footage above 900 to entice a little more of the market for a nicer rental unit and provide a better tax base for the City.

- 3.7 Since there were no others wishing to speak, Commissioner Cochran closed the public hearing and opened the meeting up for discussion amongst the Commissioners or a Motion.

3.8 **DISCUSSION:** 7:28:32 PM

- 3.8.1 Commissioner Fink said that if his assumption is correct, if there are variances that would be solely between the property owners and would have nothing to do with the Commission. Also, that this home owner should take that

up with the other home owners involved and get an attorney to sort it out. He was informed by **Commissioner Cochran** that was correct. He then wanted to hear what the City Attorney's opinion was regarding this and **Ms. Selman** said that what is contained in the CCNRs is completely separate from the Planning Commission's decision tonight. [7:28:59 PM](#)

- 3.8.2 **Commissioner Quigley** commented that CCNRs have nothing to do with the Home Owner's Association and typically when a developer registers the plat they include an architectural review committee and many times the CCNRs will limit the lot size, include things such as there can only be single family dwellings, etc., however, what is being discussed this evening is a text change to the City Ordinance for accessory apartments, not about whether this is a legal permitted use for her if it is a violation of their CCNRs but the question to be concerned with is what constitutes a single family dwelling because he was not sure but thought that an accessory apartment when occupied by the home owner qualifies for a single family dwelling. That would be something that would be determined by an attorney as a legal matter to see if she is in violation of the CCNRs. The problem with CCNRs is that those architectural review committees are nebulous in that no one knows who is on that committee. They are originally appointed with a lot in a subdivision being recorded but change through attrition. Therefore, to really get a decision, property owners might have to go to a court of law for a ruling. **Commissioner Wendel** again said that she only brought it up because she wanted there to be a point of clarification for the property owners since they are the ones who initiated this application. She knew that the text amendment was independent of their property. [7:32:23 PM](#)
- 3.8.3 **Commissioner Cochran** explained for the benefit of the audience how the Planning Commission functions in these instances saying whenever something comes before the Commission, it is usually because of one or two applicants but when it is looked at, the decision must be what is in the best interest of the City as a whole. If the text amendment change is made, anyone can take advantage of the change City-wide. **Commission Quigley** added that the Planning Commission as a group needs to be cautious about referring to one certain familial status, which is a violation of The Federal Housing Act Text and this change is nothing to do with the legal issues involving this property. The Commission is tasked with keeping clear what the Planning Commission function is here tonight, which is a text change based on the allowable square footage of the structure. [7:34:38 PM](#)
- 3.8.4 **Commissioner Warnas** indicated he would like to see more data and agreed there may be merits involving economic potential but the decision tonight cannot be made based on that. He felt this has become a little deeper situation than anticipated. [7:35:34 PM](#) **Commissioner Warnas** advised he just wanted to make sure the Commission is doing the right thing.
- 3.8.5 **Commissioner Barbieri** offered that maybe a different zone would be appropriate and went on to say that the biggest complaints the City has seems to come about regarding rental units. For that reason, it would be hard to convince her that allowing larger rentals would be advantageous. [7:36:44 PM](#) **Commissioner Cochran** advised that there are empty nesters in Taylorsville who have too much space now and are looking to convert some of their space into apartments and did not feel the difference between the size being 800 or 900 square feet was of that much concern. The citizen base in Taylorsville is getting older and this might be a different way to look at it.
- 3.8.6 **Commissioner Quigley** pointed out that the current text has two aspects in that the figure of 800 square feet is a cap but also refers to a 30% livable space ratio. Therefore, if there is a 4,000-square foot house or a 1,000-square foot house there cannot be an 800-square foot accessory apartment put in. There are two qualifying factors there. Whether the figure decided upon is 800 or 900 square feet, there will not be a sudden abundance of people converting half of their house into an apartment because it can only be 30% of the house. He noted that most homes being built now are larger and felt that the figure of 800 square feet may be a little on the light side. He expressed that he was not opposed to the text change just wanted to make sure before the effort was made that the Commission has the right figure for allowable square footage. [7:39:41 PM](#)
- 3.8.7 **Commissioner Barbieri** added that one reason for the original change which included accessory guidelines was so that family members would be able to have an accessory apartment available to family members. It was never meant to supplement mortgages by renting it out to someone. Whether it is 800 or 1,000 square feet the whole intent was that maybe some older citizens with children moving back in with them would be in compliance. Since that was written into it, it should be addressed for current appropriateness. That is important to be discussed when making a decision to allow for rental of these buildings by those not family. If the Commission wants to keep it just for families, it should be addressed right now. [7:41:41 PM](#)
- 3.8.8 **Commissioner Warnas** stated he did not feel comfortable tonight making a recommendation without more information. **Commissioner Wendel** suggested making this a work session item wherein the discussion could center around rentals. That neighborhoods are being bought up by people from out of State specifically for the purpose of having rental property and the Commission should not congest neighbors further. She felt there must be a better solution and would like to table this item and research it more. [7:42:15 PM](#)
- 3.9 **MOTION: Commissioner Wendel made a motion to table File #16Z17 which was the recommendation to the City Council for a Zoning Text Amendment to the Taylorsville Land Development Code, Section 13.11.010C2, updating accessory apartment standards for further review of options.** [7:43:52 PM](#)
Commissioner Cochran repeated the motion to Table File #16Z17 to a later date for more options and data.
SECOND: Commissioner Warnas
VOTE: All Commissioners present voted in favor. Motion passes unanimously.

- 3.10 **Mr. McGrath** asked that the Commissioners give Staff an idea of what specific information they are looking to be brought back.
- 3.10.1 **Commissioner Cochran** advised that he is looking for information such as was provided by the applicant on the different levels of space that are out there and specifically what the right number would be and what the end goal would be by doing this. If it is an economic development thing, is it that the City wants to add more space or higher income people to spend more of their money in Taylorsville. [7:44:42 PM](#)
- 3.10.2 **Commissioner Warnas** said that he felt the same way and would like to see some figures as to what is presently in the valley and what other cities are doing as well so that a better decision can be made by this body. [7:45:26 PM](#)
- 3.10.3 **Commissioner Quigley** was concerned that approving this would create a domino effect wherein others would come in wanting to also increase the square footage even more. He felt if the Commission was inclined to increase the square footage number, it should come up with a specific reason for doing so. **Commissioner Warnas** agreed that maybe a decision should be made as to what a reasonable number would be.
- 3.10.4 **Mr. McGrath** asked if that meant the data they were looking for was for apartment communities as a whole. He felt that they could not find a much data on home based accessory structures because there are very few communities in the whole valley that even allow them. In the City of Taylorsville there are a total of three existing, all of which were approved under the present ordinance. He advised that Staff would be able to obtain data on apartment complexes, which would be comparing apples to oranges a bit. He just wanted to make sure exactly what type of data the Commission is wanting. **Commissioner Wendel** asked Mr. McGrath he could think of any communities, even outside of Utah perhaps, that would be conducive to this type of neighborhood that could be researched. **Mr. McGrath** reiterated that there would not be much data existing but that Staff would do that research if the Commission desires. He was aware that these types of units have been in existence for decades without legal status. Legalizing this type of use is a relatively new concept. He added that Staff will do some research and see what exists but his guess continued to be that there would not be much data available. He felt it was less of a data-driven analysis and more of a community value's based decision as to what level of accessory dwelling unit is appropriate in single-family neighbor situations.
- 3.10.5 **Commissioner Warnas** advised that he recalled from reading past City Council Minutes that they were contemplating putting together a group to start looking at this situation in the City regarding rentals. He felt that if such a group is being formed that would be the input the Commission needs to see. **Mr. McGrath** advised that the bigger issue being dealt with on that group/task force is more with converting homes into duplexes and boarding houses. The accessory dwelling unit issue is part of the global problem and encompasses only a small part of it, but mostly dealing with people renting homes out by the bedrooms and creating parking problems for neighborhoods. **Commissioner Warnas** felt that this problem still could be added to what that task force is delving into.

4. 14Z17 – Recommendation to the City Council for a Zoning Text Amendment to the Taylorsville Land Development Code, Sections, 13.02.120, 13.11.090(B)(4), 13.23.070(B), 13.28 and Definitions to Provide Consistency with Fence Height Standards and Clarity on Clear Zone Requirements. (Angela

- 4.1 **Ms. Price** presented this item. [7:51:26 PM](#) She advised that the Community Development Department is proposing updates to the Taylorsville Land Development Code, Sections 13.02.120, 13.11.090(B)(4), 13.23.070(B), 13.28 and Definitions to provide consistency with fence height standards and clarity on visibility triangle and clear view zone requirements. The proposed changes have been reviewed and approved by the City Engineer, City Attorney's office and City Manager. The intent is to provide consistent fence and wall standards and to have a six foot (6') high fence and wall requirement with a maximum height of up to eight feet (8'). Language was added to Sections 13.11.090(B)(4), 13.223.070(B) and 13.28 to provide authority to the Planning Commission to review height exception requests. A text amendment to the clear view zone and sight visibility triangle sections will provide applicants with clarity through updated figures and text. The clear view zone refers to the triangle adjacent to the drive-way that extends 10 feet back (10') from the right-of-way and ten feet (10') along the right-of-way. Fencing in the clear view zone shall not exceed three feet (3') and must be opaque to protect drive-way visibility. The sight visibility triangle is the triangular area formed on corner properties where two right-of-way points intersect. Current code states that fencing is not allowed within sixty feet (60') of the visibility triangle. Staff would like to reduce this to thirty feet (30') on local streets and controlled intersections. All other intersections shall be subject to AASHTO standards. The sixty-foot (60') measurement is taken from the curb, while the thirty-foot (30') measurement would be taken from the back edge of the right-of-way. The reduction maintains a safe triangle for visibility while reducing the impact on the property owner. The visibility text amendment will update Sections 13.02.120, 13.28 and Definitions. [7:53:32 PM](#)
- 4.2 **FINDINGS OF FACT:**
- 4.2.1 The application was initiated by the Taylorsville Community Development Department.
- 4.2.2 The proposed changes have been reviewed and approved by the City Engineer, City Attorney and City Manager.

- 4.2.3 A text amendment to the Taylorsville Land Development Code, Sections 13.02.120, 13.11.090(B)(4), 13.23.070(B), 13.28 and Definitions will provide consistency with fence and wall height standards, along with clarity on visibility triangle and clear zone requirements.
 - 4.2.4 Current Code contains several inconsistencies and is difficult to interpret vague language.
 - 4.2.5 It is the intent of the City to have a six foot (6') high fence and wall requirement. The text amendment to Sections 13.11.090, 13.23.070(B) and 13.28 will clean up inconsistencies in the fence and wall height requirements.
 - 4.2.6 Provisions have been added to 13.11.090(B)(4), 13.23.070(B) and 13.28 to allow for an exception to the fence and wall height standards including a maximum eight-foot high (8') fence/wall with approval from the Planning Commission.
 - 4.2.7 The text amendment to Sections 13.02.120, 13.28 and Definitions will provide additional detail on the clear view zone and detailed diagrams illustrating the requirement.
 - 4.2.8 The proposed amendment will reduce the sight visibility triangle from sixty feet (60') to thirty feet (30') on local streets and controlled intersections, all other intersections shall be subject to AASHTO standards. The clear view amendment will impact Sections 13.02.120, 13.28 and Definitions.
 - 4.2.9 Section 13.28 figure numbers have been updated to reflect new illustrations.
 - 4.2.10 A text amendment to the Taylorsville Land Development Code must be approved or denied by the City Council.
- 4.3 **STAFF RECOMMENDATION:** Staff recommends that the Planning Commission makes a positive recommendation to the City Council for a text amendment to the Taylorsville Land Development Code, Sections 13.02.120, 13.11.090(B)(4), 13.23.070(B), 13.28 and Definitions based on the Findings of Fact contained in the Staff Report.
- 4.4 **SPEAKING:** [8:02:53 PM](#) **Kent Burggraaf** said that he was aware that fence height was mentioned but he wanted to know if it also covered other restrictions and wondered if the Commission might also look at changing what style of fencing is allowed. It currently refers to a three feet high restriction in the front yard if it is opaque. His suggestion was to also include that no chain link fencing be allowed from here on out in the front yard. It would not affect those who already have them but would create a more aesthetically pleasing look for Taylorsville in the future.
- 4.5 Since there were no others wishing to speak to this issue, the public hearing was closed by **Commissioner Cochran** and opened to the Commission for discussion or a motion.
- 4.6 **DISCUSSION:** **Commissioner Quigley** [8:04:24 PM](#) said he also was in favor of not allowing chain link fencing in the front yard but that was not the issue tonight and could be a point for discussion in the future. **Commissioner Cochran** asked Ms. Price about that issue and she replied there was language in the Code regarding opaque and wrought iron fencing and she was reasonably sure there was a portion of the Code that does talk about the type of fencing allowed both in residential front yards and commercial sites. However, the text amendment tonight does not address that issue. Essentially what Staff tells applicants during the application process is that the front yard fencing must be opaque but doesn't deal with what type of materials that involves. The requirements are a little more detailed in the Code for a commercial site. [8:06:32 PM](#).
- 4.7 **MOTION:** **Commissioner Quigley** – I would like to make a motion that we approve File 14Z17 and send a positive recommendation to the City Council for a text amendment to the Taylorsville Land Development Code, Sections 13.02.120, 13.11.090(B)(4), 13.23.070(B), 13.28 and Definitions, based on the Findings of Fact contained in the Staff Report.
SECOND: **Commissioner Barbieri**
VOTE: All Commissioners present voted in favor. Motion passes unanimously.
Ms. Price will consider the types of fencing requirements in Code and get back to the Planning Commission with that information.

SUBDIVISIONS – PRELIMINARY PLATS

5. 9S17 - Consideration of a Preliminary Plat for Ferreeb Farms Subdivision – 6478 South 2200 West. (Angela Price/Associate Planner). [8:08:10 PM](#)

- 5.1 **Ms. Price** presented this item saying that Ian Ferreeb is requesting consideration of a Preliminary Plat for the property at 6478 South 2200 West for approximately 1.25 acres, for a five-lot subdivision. The property is zoned R-1-6 with a minimum 6,000 square foot lot size. The proposed plat has five (5) lots varying in size from 6,000 square feet to 20,000 square feet. To meet Code requirements, the lot sizes must be at least 55' wide and the minimum home size requirement is 1,200 square feet for a one-story home or 1,500 square feet for a two-story home. The setbacks for the R-1-6 zone were articulated verbally by Ms. Price. She advised that the proposed plat meets the required size and setbacks for the R-1-6 zone. Lot #1 has an existing single-family dwelling unit that will remain intact. Lots #2 and #5 are flag lots and meet the applicable requirements, except for one stipulation – Section 13.21.220(k) states that the maximum number of flag lots in the subdivision shall not be more than 20% of the total number of lots within the subdivision unless approved by the Planning Commission. Planning Staff has worked closely with the applicant and the two-flag lot configuration works best for this subdivision, therefore, Staff is recommending a waiver of the 20% requirement.
- 5.2 **CONDITIONS OF APPROVAL:**
- 5.2.1 The original plat for 6478 South 2200 West is amended.
 - 5.2.2 The plat is recorded with Salt Lake County.
 - 5.2.3 A Title Report is submitted and matches the property owner on the plat.

- 5.2.4 The PUE is updated on the final plat to reflect ten feet (10) on the front and rear and five feet (5) on the side of the subdivision.
- 5.2.5 Indicate length of staff and all setbacks on the plat.
- 5.2.6 Dimension the right-of-way use, the same font must be used for all callouts and match the text on the Engineering and Planning Commission signature blocks.
- 5.2.7 Include proposed monuments at property corners, and correct boundary description.
- 5.2.8 Submit a civil plan set to include but not limited to a Storm Water (100-year retention) Plan, Grading and Drainage Plan, SWPPP, Site Plan Utility Plan; Paving Plan and Street Plan profiles.
- 5.2.9 The final plat is compliant with all applicable codes and ordinances.
- 5.2.10 The applicant will comply with the requirements of all reviewing agencies.
- 5.2.11 All applicable fees and bonding are paid prior to recording of the plat.

5.3 **FINDINGS OF FACT:** [8:10:54 PM](#)

- 5.3.1 This application was initiated by Ian Ferree.
- 5.3.2 The property is zoned R-1-6.
- 5.3.3 The applicant is requesting Preliminary Plat approval for a five (5) lot subdivision.
- 5.3.4 The proposed plat meets the setback and size requirements for the R-1-6 zone.
- 5.3.5 Lots #2 and #5 will be flag lots and meet the flag lot requirements, with the exceptions of the 20% flag lot requirement. Staff is recommending waiver of the 20% requirement for this subdivision.

5.4 **STAFF RECOMMENDATION:** Staff recommends approval based on Findings of Fact and Recommended Conditions of Approval cited in the Staff Report.

5.5 **APPLICANT ADDRESS:** **Brandy Olsen** - Property owner was present to answer any questions. As there were none forthcoming, she asked for approval of this request. [8:15:14 PM](#)

5.6 **SPEAKING:**

- 5.6.1 **Ms. Price** advised that she had received one written comment in opposition, which essentially said they want the area left as is as farm land, with no more homes being built.

- 5.6.2 **Barbara** (not further identified) [8:18:15 PM](#) commented that she felt that five houses is too many on this property and doesn't match the rest of the neighborhood. That there are drug and handicap type homes already in the neighborhood. She also had a concern about safety of children which would be impacted by this project.

5.7 **DISCUSSION:** **Commissioner Quigley** advised that the zoning decision was made last month and the lot sizes are not any smaller now and are consistent with those in the surrounding neighborhood. He felt that nothing is being asked that is out of character for the existing neighborhood. **Commissioner Cochran** added that it is the property owner's discretion as to what to do with their property as long as it meets City Code. **Commissioner Barbieri** said that when the Planning Commission approved the zone change, it had shown a positive comparison to the surrounding neighborhood.

5.8 **MOTION:** **Commissioner Warnas** - I will make a motion to approve File #9S17 based on the Findings of Fact and conditions of approval as stated in the Staff Report. [8:26:55 PM](#) **Commissioner Cochran** restated the motion for approval and asked for a Second.

SECOND: **Commissioner Fink**

VOTE: All Commissioners present voted in favor. Motion passes unanimously.

6. 10S17 - Consideration of a Preliminary Plat for Fields Subdivision – 4768 South 1175 West. (Angela Price/Associate Planner)
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- 6.1 **Ms. Price** presented this item. [8:27:23 PM](#) She said that Nancy Fields is requesting consideration of a Preliminary Plat for the property located at 4768 South 1175 West for approximately 0.72 acres. The applicant is proposing a two-lot subdivision under File #10S17. The property is zoned R-1-10 with a minimum 10,000 square foot lot size. The proposed plat intends to have two (2) lots varying in size from 10,263 square feet to 21,139 square feet. The proposed subdivision has one lot with an existing single-family home on it and one proposed lot to the south. The request is consistent with the guidance of the General Plan. To meet Code requirements, the lot sizes must be at least 80' wide. The submitted proposal for the most part is in compliance with City Code, however, will require some minor changes, i.e., adding public utility easements. The minimum home size required is 1,200 square feet for a one-story home or 1,875 for a two-story home. The existing home is going to stay intact and the new home will be built on the south side of the garden area. They are asking for a shared access easement on their plat to allow for about 10' of the driveway so they can get the width that they need to meet the 10,000 square feet requirement. The intent is to have the driveway as a shared access between the existing lot and the new lot. A condition/stipulation has been placed that a note be written on the plat that there is no parking allow along that access. That is for protection if the present owner's subsequently sell their properties to insure the 10,000 square feet requirement is maintained. Staff is okay with the easement being stipulated that way because of the nature of there being a circular driveway which meets all Code requirements and makes sure they are able to access their garage. **Commissioner Cochran** wanted to know how far back from the street that "no parking" zone would go. **Ms. Price** replied that the easement was approximately 100' in length to the back corner of the garage.

6.2 FINDINGS OF FACT:

- 6.2.1 This application was initiated by Nancy Fields.
- 6.2.2 The property is zoned R-1-10.
- 6.2.3 The applicant is requesting Preliminary Plat approval for a two-lot subdivision.
- 6.2.4 The proposed plat meets the size and setback requirements for the R-1-10 zone.
- 6.2.5 There is an existing single-family dwelling unit on the property that will remain intact, an additional single-family dwelling unit is being proposed on the south side of the property.
- 6.2.6 This property was re-zoned from R-1-15 to R-1-10 by the Planning Commission on June 13, 2017 and the City Council on July 5, 2017.

6.3 CONDITIONS OF APPROVAL: The following conditions of approval apply:

- 6.3.1 The original plat for 4768 South 1175 West is amended.
- 6.3.2 The plat is recorded with Salt Lake County.
- 6.3.3 A Title Report is submitted and matches the property owner.
- 6.3.4 The PUE is updated on the final plat to reflect ten feet (10) on the front and rear and five feet (5) on the side of the subdivision.
- 6.3.5 A Storm water (100-year retention), Grading and Drainage Plan is submitted and reviewed by the City Engineer.
- 6.3.6 Hydrants, street lights, sidewalks and drive-ways need to be added to the plat.
- 6.3.7 Comcast signature block needs to be removed from the plat.
- 6.3.8 Legal descriptions need to be correct and consistent throughout the plat.
- 6.3.9 Meet with Taylorsville-Bennion Improvement District to work out sewer lines and improvements.
- 6.3.10 A stipulation needs to be added to the plat that parking is not allowed on the shared access easement.
- 6.3.11 Show setbacks for existing home on civil set.
- 6.3.12 The final plat is compliant with all applicable codes and ordinances.
- 6.3.13 The applicant will comply with the requirements of all reviewing agencies.
- 6.3.14 All applicable fees and bonding are paid prior to recording of the plat.

6.4 STAFF RECOMMENDATION: Staff recommends that the Planning Commission approves File #10S17, the Field's Preliminary Plat for a two (2) lot subdivision based on the Findings of Fact and conditions outlined in the Staff Report.

6.5 APPLICANT ADDRESS: Chris Poulson (Engineer). [8:36:39 PM](#) He advised the applicant is subdividing a property totaling approximately 30,000 square feet into two lots (one 20,000 and the other 10,000 square feet). The only real concern is the shared access easement for both properties to be able to utilize the existing driveway.

6.6 SPEAKING: Because no one came forward to speak to this application, Commission Cochran closed the public hearing and opened the meeting for discussion or a motion by the Commission.

6.7 MOTION: Commissioner Fink - I will make a motion for approval of File #10S17 based on the Findings of Fact and conditions contained in the Staff Report.

SECOND: Commissioner Warnas

VOTE: All Commissioners present voted in favor. Motion passes unanimously.

CITY COUNCIL MEETING AND GENERAL DISCUSSION: Commissioners Fink, Cochran and Ms. Price gave comments regarding City Council Meetings they had attended. Because this is Commissioner Fink's last meeting he said goodbye to the Commission and Staff, advising he has had ten very interesting years, had learned a lot and wished everyone well.

ADJOURNMENT: The meeting was adjourned by motion of Commissioner Fink at 8:44 p.m.

Respectfully submitted by:

Jean Gallegos, Admin Assistant/Recorder for the
Planning Commission

Approved in meeting held on February 13, 2018.